

3:23-mj-00048

DISTRICT OF OREGON, ss:

AFFIDAVIT OF NICHOLAS KOCHER

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Nicholas Kocher, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Drug Enforcement Administration (“DEA”) and have been since February 2020. I am currently assigned to the DEA Seattle Field Division (SFD) Portland District Office (PDO). As a Special Agent of the DEA, I have participated in numerous drug investigations as either the lead case agent or as a supporting investigative agent, including in Title III wiretap investigations of violations of the Controlled Substances Act, Title 21, United States Code, Section 801, *et seq.* I have received specialized training from the DEA, to include a 19-week Basic Agent Training course and other training courses. I have been involved in conducting long-term, international and complex conspiracy investigations. Prior to my assignment to the PDO, I spent approximately four years in the 82nd Airborne Division as an Infantry Officer. I am familiar with investigations of Drug Trafficking Organizations (hereinafter, “DTOs”), including identifying methods of importation and distribution of controlled substances, and how controlled substances are manufactured, consumed, packaged, marketed, smuggled, and distributed. I am also familiar with various tactics used by DTOs to import drugs into the United States, communicate with members of the DTOs, and arrange for transportation and distribution of drugs.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for the following individuals:

- **Rosy Daniel Zuniga Espinoza;** and
- **Duria Marish Morales Mancia;**

for the crimes of possession with intent to distribute controlled substances (including fentanyl, a Schedule II controlled substance) in violation of 21 U.S.C. § 841(a)(1) on March 15, 2023. As set forth below, there is probable cause to believe, and I do believe, that **Rosy Daniel Zuniga Espinoza** and **Duria Marish Morales Mancia** have violated 21 U.S.C. § 841(a)(1).

3. This affidavit is intended only to show that there is sufficient probable cause for the requested criminal complaint and arrest warrants and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Applicable Law
Target Offenses

4. Title 21, United States Code, Sections 841(a)(1), and makes it illegal to possess controlled substances (including fentanyl) with intent to distribute them, and to conspire to do so. This offense is punishable by 10 years to life imprisonment, a fine of up to \$10 million, and five years' supervised release.

Sources of Information

5. Cooperating Defendant (CD-1) referenced herein has been in contact with the DEA since early 2023 and provides information in exchange for consideration on criminal charges. For this investigation, CD-1 has not been paid for information provided. CD-1 has provided the DEA with truthful and reliable information recently, which has been independently corroborated through DEA investigations. Investigators have independently corroborated the information

provided by CD-1 through phone calls and text messages placed in the presence of Investigators. CD-1 has a criminal history that includes: elude, hit and run with injury, assault, felon in possession of a weapon, possession of heroin, and felon in possession of a weapon. CD-1 knows of Daniel's (source of supply) drug trafficking history through maintaining a relationship of purchasing narcotics from Daniel.

Statement of Probable Cause

Background of Investigation

6. Beginning on March 6, 2023, DEA agents in Portland, Oregon ("DEA Portland") began investigating a DTO believed to be transporting and distributing large quantities of counterfeit oxycodone pills suspected to contain fentanyl within the District of Oregon and elsewhere, in violation of 21 U.S.C. § 841(a)(1). During the course of the investigation, Investigators used CD-1 referenced above to conduct buy/ bust operations of counterfeit oxycodone pills from CD-1's prior source of supply, "Daniel", whom Investigators identified as **Rosy Daniel Zuniga Espinoza**. **Rosy Daniel Zuniga Espinoza** was believed to be residing in the Oregon City, Oregon area, where he ran his drug distribution network.

March 9, 2023: CD-1 Provides Information to DEA Regarding Rosy Daniel Zuniga Espinoza

7. In March 2023, CD-1 informed DEA Investigators of an individual that goes by the moniker "Daniel" that CD-1 knows to be a narcotics trafficker in the Portland, Oregon area. Additionally, Investigators know Daniel's real legal name, **Rosy Daniel Zuniga Espinoza**, due to the results of queries from numerous law enforcement databases. CD-1 provided Investigators with one phone number for Daniel. CD-1 stated to Investigators that they (CD-1) generally make purchases of narcotics, or "boats" from Daniel multiple times a week. CD-1 stated that Daniel

always has a female with him for the narcotics deliveries. Furthermore, CD-1 stated that they purchase anywhere from 1,000 to 5,000 pills. CD-1 agreed to contact Daniel to make purchases at the behest of the DEA, so that Investigators could interdict Daniel.

March 15, 2023: Interdiction of Narcotics from Rosy Daniel Zuniga Espinoza and Duria Marish Morales Mancia

8. On March 14, 2023, CD-1 had a series of phone calls placed in the presence of Investigators and text messages with Daniel, the suspected user of (503) 969-6323. On March 15, 2023, Daniel and CD-1 agreed on a drug transaction, quantity, and price. During the course of the conversation, CD-1 told Daniel, *“My buddy is trying to find like 2 boats maybe 3 to 4 if the price is right”*. Daniel replied *“It’s okay, tell Aty, my friend, each boat at \$1,200 or see, you’re the best price.”* to which CD-1 replied, *“No shit that is a very very very good price well off I’m pretty sure it’s like 100% sure at that price if you don’t want like at least three most likely four because that is so much better than what I was thinking on pricewise.”* On March 15, 2023, CD-1 continued to exchange text messages with Daniel. CD-1 texted, *“He said he will do 4 that would be 48 right and a ounce of fatty that is 600 right; so 5400 for everything right cause didn’t you say 600 or way it 700 for the fatty; let me know when we can do that and he will be here or transfer me the money.”* Daniel replied, *“ok friend \$5400 for everything.”* At 7:13 p.m., Daniel messaged CD-1, *“ok start in winco in 15 minutes.”* CD-1 replied, *“Sorry I had to stop and grab his money he only has the 5000 so I guess don’t need any fatty sorry but see you in a minute.”* At 7:42 p.m., Daniel texted, *“Ok that’s fine; I’m here.”*

9. Based on my training, knowledge, and experience, I am familiar with drug traffickers using coded language when referring to narcotics as a method to elude law enforcement detection. Based on CD-1 stating, *“2 boats maybe 3 to 4,”* I believe CD-1 was asking Daniel for

up to 4,000 counterfeit oxycodone pills suspected to contain fentanyl. This assessment is based on my familiarization with “*boats*” being a common term being used in the Portland metropolitan area to refer to a quantity of 1,000 units, most commonly used in reference to quantity of pills. Additionally, I am aware that the term “*fetty*” is common slang for fentanyl powder. With CD-1 requesting fetty, I am aware that Daniel would be supplying raw fentanyl powder to CD-1. This belief was confirmed by Daniel having approximately 4,000 counterfeit oxycodone pills containing fentanyl and an ounce of raw fentanyl powder in his possession at the time of arrest.

10. At approximately 5:50 p.m., Investigators established surveillance at the agreed upon meeting location. At approximately 7:48 p.m., CD-1 informed Investigators that Daniel told CD-1 that he had arrived (CD-1 informed Investigators that Daniel had previously driven a silver Nissan). At approximately 7:41 p.m., Investigators located a silver Nissan Altima with Oregon license plate 560/NYP in the parking lot of the meeting location. Shortly thereafter, Daniel informed CD-1 that he was at the meet location. At approximately 7:48 p.m., Investigators stopped the Altima in the parking lot of the meeting location. Investigators asked the driver, identified by his Honduran passport as **Rosy Daniel Zuniga Espinoza (Zuniga)** and the passenger **Duria Marish Morales Mancina (Morales)**, to exit the vehicle and asked for his consent to search. Zuniga gave verbal consent for Investigators to search. A Fentanyl-Certified Drug K-9 was deployed to conduct a sniff of the vehicle. The K-9 gave a positive alert in the front passenger seat area.

11. During the search of the vehicle, Investigators seized approximately 508.5 gross grams of counterfeit oxycodone pills containing fentanyl and approximately 112.7 gross grams of fentanyl powder located in a plastic grocery bag under the front passenger seat. The aforementioned weights include packaging. All drugs were field tested and gave presumptive

positive results. **Zuniga** and **Morales** were arrested and taken back to the DEA Portland District Office for booking.

Post Miranda Interview of Rosy Daniel Zuniga Espinoza and Duria Marish Morales Mancia

12. During a post Miranda interview, **Morales** stated that she was in the parking lot to sell counterfeit oxycodone pills containing fentanyl to a white male and that she was actively pushing them under the seat as Investigators were approaching the Altima. **Morales** also stated that she was in possession of both cellphones and that she and **Zuniga** use one of the phones for their drug distribution work phone and the other is to call family in Honduras. **Morales** stated that the counterfeit oxycodone pills containing fentanyl were picked up this morning in downtown Portland. **Morales** also stated that she was the registered owner of the Altima.

13. During a post Miranda interview, **Zuniga** stated that he was the driver for **Morales** since she did not have a driver's license. **Zuniga** stated that he knew there was narcotics in the car and that it belonged to **Morales**. **Zuniga** also stated that **Morales** was the leader of their drug trafficking organization and that **Zuniga** drove **Morales** to downtown Portland to pick up the narcotics that were seized from the Altima.

Conclusion

14. Based on the foregoing, I have probable cause to believe, and I do believe, that **Rosy Daniel Zuniga Espinoza** and **Duria Marish Morales Mancia** have committed the crime of Possession with Intent to Distribute Controlled Substances (fentanyl) – in violation of 21 U.S.C. § 841(a)(1) on March 14, 2023.

15. I therefore request that the Court issue a criminal complaint and arrest warrants for **Rosy Daniel Zuniga Espinoza** and **Duria Marish Morales Mancia**.

16. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Andrew Ho and AUSA Ho advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

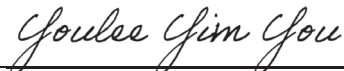
Request for Sealing

17. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the individual to be arrested is relevant to an ongoing investigation, and any disclosure of the individual's arrest at this time may endanger the life or physical safety of an individual, cause flight from prosecution, cause destruction of or tampering with evidence, cause intimidation of potential witnesses, or otherwise seriously jeopardize an investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

/s/ Nicholas Kocher By Telephone

NICHOLAS KOCHER
DEA Special Agent

Sworn by telephone or other reliable means at 9:20 am a.m./p.m. on March 16, 2023
in accordance with the requirements of Fed. R. Crim. P. 4.1.



HONORABLE YOULEE YIM YOU
United States Magistrate Judge